## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

February 13, 2003 LB 216

five adjustments wouldn't be worthwhile, both from the point of view of the insurer and from the point of view of the mostly commercial people, I think, who would be the persons protected рA Insurance Department law. So what the first amendment...what part one of the amendment would say is that the insurer would have the option of filing under this new file and use procedure, or it could file under the old procedure whereby the department had to approve the rule within a certain number of days or disapprove it. My thought was there may be instances where an insurer would want to have department approval, would want to know that its form was not going to be controversial disapproved at some later point in time because they wouldn't want the chaos that might resolve...that might result And so it...I didn't see in the bill subsequent disapproval. and it seemed to me reasonable that the insurer ought to be able to file under the old procedures and obtain department approval if they thought that that would best facilitate their use of new The second part of the amendment deals with lines...with paragraph that begins on line 19 of page 45 which, basically, indicates that direct that the director, going through certain procedures, if they should determine that...the director, after going through certain procedures, they find that the insurer has made filings pursuant to Section 20, that's this set of procedures, has failed to meet the filing deadlines contained in such section with frequency as to indicate a general business practice that disregards the requirements of this section, then in that case the director can order the insurer's filing to be made under the set of procedures that requires prior approval. So in other if they are misbehaving with a degree of frequency, they don't have the privilege of using this set of procedures. my amendment would do would say that it doesn't necessarily have to be a series of acts but it might be one really bad act. It seems to me that not only frequency but the type of abuse that's involved ought to be a reason why the director could order the filings to require preapproval. So that's the second part of the amendment. The third part of the amendment changes a "may" "shall" on page 46, line 4 which indi...which gives the director more flexibility in terms of denying an order; the idea being that if it is otherwise in the public interest that they be allowed. that they not be allowed to use this expedited